

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/16/24
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	19-CR-808 (VEC)
-against-	:	
	:	<u>ORDER</u>
FALIKOU KONE,	:	
	:	
Defendant.	:	
-----	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on August 9, 2024, the Defendant filed a *pro se* motion to correct the district court docket (the “Motion”) regarding his pending appeal, *see* Dkt. 583;

WHEREAS the Motion states that former defense counsel, Patrick Joyce, filed a letter on December 8, 2021, regarding the government’s production of evidence and that the letter is not reflected on the docket, *see id.* at 2;

WHEREAS the Motion states that Defendant filed a *pro se* motion seeking the appointment of new counsel on April 3, 2023, which the Court denied, and that neither the request for new counsel nor the order denying it is reflected on the docket, *see id.* at 2-3;

WHEREAS the Motion states that the trial transcript is inaccurate because it omitted a question that Mr. Joyce asked a witness: “Do you remember the individual who came to your office to make the payments for the shipping containers?” *see id.* at 3-4;

WHEREAS the Motion states that the sentencing transcript is inaccurate when it reflects that the Undersigned stated: “I sentence the Defendant on each counts one through three to six years to be served concurrently,” because, according to the Motion, the Undersigned actually stated: “I sentence the Defendant to three years on count one and count two, and three years on count three to be served consecutively to [sic] a total of six years,” *see id.* at 4-5.

IT IS HEREBY ORDERED that Mr. Joyce's December 8, 2021 letter, which Defendant submitted as Exhibit A, is not on the docket, because it was never filed. The Court notes that the version submitted as Exhibit A is clearly a draft, inasmuch as it does not appear to be a complete document. Mr. Joyce filed a letter on December 11, 2021, Dkt. 357, regarding Defendant's *Brady* claim. On May 30, 2022, Dkt. 419, Mr. Joyce filed a motion to suppress the evidence discussed in the December 11, 2021 letter. To the extent the Defendant requests that the docket be supplemented with Exhibit A as a letter that was purportedly filed on December 8, 2021, the Motion is DENIED.

IT IS FURTHER ORDERED that Defendant's *pro se* motion dated April 3, 2023, seeking the appointment of new counsel is included in the record at Dkt. 536, and the Court's response to the motion can be found at Dkt. 540.

IT IS FURTHER ORDERED that the Court has reviewed the trial transcript and has no means of confirming Defendant's allegation that the transcript is inaccurate. To the extent that Defendant is requesting that the Court order the transcript to be amended to include that question, the motion is DENIED.

IT IS FURTHER ORDERED that the Court has reviewed the sentencing transcript, and the transcript accurately reflects the sentence imposed. Nor would the change that Defendant seeks change his sentence in any way. To the extent that Defendant requests that the Court order the transcript to be amended to reflect his recollection of how the sentence was imposed, the motion is DENIED.

The Clerk of Court is respectfully directed to mail a copy of this order to Defendant at Reg. 55511-054, FCI Loretto, P.O. Box 1000, Cresson, PA 16630.

SO ORDERED.

Date: August 16, 2024
New York, NY



VALERIE CAPRONI
United States District Judge